

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 14th DAY OF JANUARY 2008, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	Doug Marrs	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	John A. Muffo	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The outgoing Vice-Chair Mary Biggs called the meeting to order.

INTO CLOSED MEETING

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- | | | |
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| Section 2.2-3711 | (3) | Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body |
| | | 1. Project # 2007-034 |
| | (5) | Discussion Concerning A Prospective Business Or Industry Or The Expansion Of An Existing Business Or Industry Where No Previous Announcement Has Been Made Of The Business Or Industry's Interest In Locating Or Expanding Its Facilities In The Community. |
| | | 1. Project # 2007-025 |
| | (1) | Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body |
| | | 1. CPMT |
| | | 2. Community College Board |
| | | 3. Office on Youth Advisory Board |

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Gary D. Creed	
William H. Brown	
Doug Marrs	
Annette S. Perkins	
Mary W. Biggs	

OUT OF CLOSED MEETING

On a motion by Doug Marrs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
William H. Brown	
Doug Marrs	
Annette S. Perkins	
James D. Politis	
Mary W. Biggs	

CERTIFICATION OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES
Gary D. Creed
William H. Brown
Doug Marrs
Annette S. Perkins
James D. Politis
John A. Muffo
Mary W. Biggs

NAYS
None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

Supervisor Biggs lead a Moment of Silence.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ELECTION OF OFFICERS

**R-FY-08-86
ELECTION OF CHAIR-2008**

On a motion by Doug Marrs and carried unanimously,

BE IT RESOLVED, That **Annette S. Perkins** be and hereby is, elected as Chair of the Montgomery County Board of Supervisors for the calendar year 2008 or until a successor is elected.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo
James D. Politis
Gary D. Creed
William H. Brown
Doug Marrs
Annette S. Perkins
Mary W. Biggs

NAY

None

**R-FY-08-87
ELECTION OF VICE CHAIR-2008**

On a motion by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That **Doug Marrs** be and hereby is, elected as Vice Chair of the Montgomery County Board of Supervisors for calendar year 2008 or until a successor is elected.

The vote on the foregoing resolution was as follows:

AYE

Gary D. Creed
William H. Brown
James D. Politis
John A. Muffo
Doug Marrs
Mary W. Biggs
Annette S. Perkins

NAY

None

ORGANIZATIONAL MATTERS

**R-FY-08-88
SELECTION OF REGULAR MEETING DATE**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year 2008 shall be the **2nd** and **4th Monday** of each month beginning at **6:00 p.m.**, if closed session is required, otherwise the meetings shall begin at **7:15 p.m.** in the Board Room of the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia provided that when the regular meeting day of any month falls upon a legal holiday, such regular meeting in such month shall be held on the following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provided that the next following regular meeting shall be a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

BE IT FURTHER RESOLVED, That should the Chairman declare that the weather or other conditions are such that it is hazardous for members to attend the regular meeting, the regular meeting shall be continued to the following Monday. The continuance of the regular meeting shall be communicated to the members and the press as promptly as possible.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Doug Marrs	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Mary W. Biggs	
Annette S. Perkins	

R-FY-08-90
CODE OF ETHICS AND
STANDARDS OF CONDUCT
2008

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts the Code of Ethics and Standards of Conduct for calendar year 2008 as follows:

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Montgomery County Board of Supervisors should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States, the Commonwealth of Virginia and Montgomery County, and never knowingly be a party to their evasion.
2. Be loyal to moral principles and the interests of the citizens of the county.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, gender, age, religion, creed or country of origin. Avoid adopting policies, supporting programs or engaging in Board activities that discriminate against or offend individuals because of race, gender, age, religion, creed or country of origin.

6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispersing of, or requesting, special favors or unfair privileges to anyone, whether for remuneration or not. A member should never request or accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties, or employees.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on public duty.
8. Engage in no business with the county government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the State and Local Government Conflict of Interest Act.
9. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
10. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions to deal with sensitive personnel, legal, contractual or other issues as provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board of Supervisors.
14. Review orally and in public session at the annual organizational meeting each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.
16. The Board recognizes that its primary role is to make policy and therefore will focus on issues pertaining to programs, operations and issues.
17. The Board recognizes that discussion of personnel matters are to remain confidential, must be discussed through appropriate channel processes, and that it is the obligation of each Board member to protect the privacy of the individual.
18. Board members will follow the procedure of communicating directly with the County Administrator and the Chairman of the Board. On personnel matters or matters relating to incidents, issues, or problems, the Board will follow the procedure of communicating directly with the Chairman or the County Administrator. Especially in situations where Board members might conceivably be construed as attempting to supervise, direct, or interfere with county personnel and the performance of their duties.

STANDARDS OF CONDUCT

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Montgomery County Board of Supervisors should adhere to the following Standards of Conduct:

1. Avoid, during public meetings and during the performance of public duties, the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or personnel.
2. Pay all taxes due to the county, state, or national government.
3. Attend all regularly scheduled meetings of the boards or committees to which he or she has been assigned, resigning whenever personal circumstances preclude regular attendance.
4. Avoid a private lifestyle that casts public doubt upon the integrity and competence of the county government.
5. Make a conscientious effort to be well prepared for each meeting.
6. Offer criticism of county employees only in private meetings with appropriate individuals or in closed session.
7. Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.
8. Maintain an attitude of courtesy and consideration toward all colleagues.
9. Be tolerant. Allow citizens, employees, or colleagues sufficient opportunity to present their views.
10. Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel or colleagues.
11. Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Gary D. Creed	
Mary W. Biggs	
William H. Brown	
Doug Marrs	
Annette S. Perkins	

R-FY-08-89 **RULES OF ORDER AND** **PARLIAMENTARY PROCEDURES** **2008**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts the Rules of Order and Parliamentary Procedures for calendar year 2008 as follows:

RULES OF ORDER

Rule 1 The current edition of *Roberts Rules of Order* shall govern in the deliberations of the Board of Supervisors, except as otherwise provided by ordinance or these rules.

- Rule 2** The Board may *temporarily suspend* any of its rules by a vote of two-thirds of the members present.
- Rule 3** No ordinance or resolution *appropriating money exceeding the sum of \$500*, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the Board.
- Rule 4** A subject(s) may be *added to the Agenda* following the Delegation portion of the meeting.
- Rule 5** *Discussion of Agenda items* will occur only after a motion is made.
- Rule 6** In any case in which there shall be a *tie vote* of the Board upon any question when all of the members are not present, that question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote upon any question after complying with this procedure, that tie vote shall defeat the motion, resolution or issue voted upon.
- Rule 7** When any motion, resolution, or ordinance has been *once acted upon* by the Board it cannot be considered again at the same meeting except by a motion to reconsider. The motion to reconsider cannot be repeated on the same question unless the question was amended when previously reconsidered.
- Rule 8** A motion to *reconsider* a question which has been decided shall be made by a member who voted with the prevailing side and shall be made at the same meeting of the Board or the next succeeding meeting of the Board. All motions to reconsider shall be decided by a majority vote of the members present.
- Rule 9** When the Board wishes to *annul some action it has previously taken*, a motion to rescind the objectionable resolution, order or other proceeding may be made. Any action of the Board may be rescinded regardless of the time that has elapsed. A motion to rescind is not in order if action has already been taken which cannot be undone.
- Rule 10** The County Administrator is hereby authorized to prepare for each meeting a *consent agenda* for consideration by the Board. This consent agenda may include any item believed by the County Administrator to be routine and not controversial in nature, for example, resolutions authorizing interdepartmental budget transfers, appropriations, various permits authorized by the Board, referrals to other boards and commissions for appropriate action.
- Rule 11** Any member of the Board may request to have any item *removed from the consent agenda*. Such request need not be seconded. Such item shall then be considered immediately after the consent agenda.
- Rule 12** A single motion and roll call vote in favor thereof shall approve all items remaining on the *consent agenda*.
- Rule 13** The County Administrator is hereby authorized to *provide agendas* for future Board meetings to those individuals, businesses, or organizations who desire to receive same.
- Rule 14** An individual, business or organization shall request the County Administrator on a calendar year basis to *mail such agendas* to them. At the end of each calendar year, the County Administrator shall notify all individuals, businesses, or organizations on the agenda list that agendas will no longer be mailed to them unless notification is received by the County Administrator that they desire to continue to receive agendas for the upcoming calendar year.

- Rule 15** The County Administrator shall **mail agendas at the public expense** until such time as the annual expense for such mailings exceeds \$500. Thereafter, the County Administrator shall bring such practice to the attention of the Board for its consideration.
- Rule 16** Individual speakers will be limited to 5 minutes to address the Board during the public address and the public hearing portions of the meeting. ***Applicants and/or agents of land use issues will be limited to 15 minutes to address the Board during the public hearing portion of the meeting.***
- Rule 17** Staff and **Delegation** presentations will not exceed 20 minutes unless prior approval is obtained from the Administrator.
- Rule 18** **Non-Agenda items** may be included for discussion and action during Board Members' Reports segment of the meeting.
- Rule 19** Motions for **tabling** an item shall include conditions for removal from the table.
- Rule 20** Board meetings will **adjourn** no later than 11:30 p.m., unless a vote is taken to continue the meeting, with an affirmative vote of two-thirds (2/3) of those members present.
- Rule 21** Appointments of individual members of the Board of Supervisors for yearly **appointments to various Boards**, Commissions, Committees, etc., shall be made at the beginning of the year, at the same meeting at which elections of the Chair and Vice Chair occur (the first meeting of each calendar year)
- Rule 22** On final vote on any ordinance or resolution, the name of each member voting and how he voted shall be recorded.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
James D. Politis	
John A. Muffo	
Gary D. Creed	
Mary W. Biggs	
William H. Brown	
Annette S. Perkins	

PUBLIC HEARINGS

Montgomery County Budget for FY 2008-2009

-The purpose of this hearing is to gather citizen comments on the upcoming fiscal year budget

Paul Smeal, Parks and Recreation Commission Member, addressed the Board in support of the Parks and Recreation budget request. Mr. Smeal stated the recreation program participation is increasing and the number of programs offered are increasing to keep up with the demand. More funding is needed to accommodate new programs. He believes recreation improves the quality of life. Mr. Smeal thanked the Board for their support and urged the Board to consider fully funding the Parks & Recreation budget request.

Angie Cornett, President of the Montgomery County Education Association, addressed the Board regarding teacher salaries. Ms. Cornett reported that Montgomery County wants to attract the most qualified teachers in the nation and retain teachers already employed by Montgomery County. There is a compensation plan in place for teachers and she hopes the Board of Supervisors can fully fund their request for teacher raises.

There being no further speakers, the public hearing was closed.

Gypsy Moth Suppression Program

The current Gypsy Moth situation in Montgomery County; the proposal submitted to the Virginia Department of Agriculture and Consumer Services (VDACS) for 2008 suppression actions; and to identify public concerns

Charlie Putnam, Gypsy Moth Coordinator, updated the Board on the Gypsy Moth Suppression Program. He provided information on the types of pesticides that can be used and their effectiveness. A timeline was provided as to when the County needed to make decisions on whether to participate in the program this year and if so, what type of pesticides to use and if a buffer zone will be used to protect property owners who wish not to participate. A resolution for consideration is listed on tonight's agenda to decide about the pesticide and buffer zone.

Albert Raboteau spoke in support of the Gypsy Moth Suppression Program and spraying in Montgomery County. Mr. Raboteau explained he has numerous egg masses on his property and believes there is a need for a program.

Mary Dole expressed concern with the spraying of pesticides and asked that a non-dimlin product be sprayed first. She is concerned that other species besides the gypsy moth will be targeted and wondered if the benefits outweigh the costs.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS

Lenny Session: Good Evening. My name is Lenny Session. I reside at 1550 Grand View Drive in Christiansburg. I came tonight to talk to you about some concerns I have regarding the Public Information Officer job. A little background information, this job was posted on January 3rd of 2007 and closed January 31st of 07. I contacted Mr. Goodman on January 4th of 07 and applied for the position on January 5th of 2007. Following the application in 07, I contacted Mr. Goodman in March of 07 to inquire about the hiring process. Mr. Goodman indicated he had fallen behind in submitting the time budget because of illness and would resume the job search following the budget process. In May of 2007, I again contacted the Human Resources Department regarding the process. A Human Resources rep. indicated the position was of vital importance; however, they also knew that when Mr. Goodman took possession of the process it would not be handled in a timely manner. In July of 07, I met with Mr. Goodman specifically to ask for direct answers to whether or not he was interested in my application. Mr. Goodman indicated he was very interested and apologized for delaying the process. He further suggested that he would be scheduling interviews in the next two weeks. In August of 07, I contacted Chairman Spradlin to ask him for his advice as to what I could do to get Mr. Goodman to move forward on the hiring process. On September 27th of 07, at 9:30 a.m., I interviewed for the Public Information Officer position. This past Friday, that's January 11 of 08, Mr. Goodman called to inform me that another person from James City County had been offered and accepted the position. Now hear my points of emphasis and concern.

The Public Information Officer position has been vacated for one year. The question becomes where and for what purpose have the monies earmarked for salary been used? Second, why is this use of public funds or the lack thereof not been disclosed? Why did it take the County Administrator eight months to begin the interviewing process and further more, why did it take almost four months to complete the interview process? Through-out my inquires as to the process, Mr. Goodman indicated he was having problems getting people to interview. In particular, he was having problems scheduling a female candidate. Now I wonder who that was. Can either of you say with confidence that you could fairly and objectively compare a recent interview with one from 4 months ago. When I shared this concern with Chairman Spradlin in December, he said and I quote, "Lenny, we don't treat people like this". I'm here to suggest that unfortunately you do. As a member of the Montgomery County – Floyd –Radford Regional Branch of the NAACP, I received numerous concerns...numerous concerns, excuse me, regarding the under representation of minority employees within this facility. Mr. Goodman shared, quote, "we went with someone with experience in a similar job in James City County". Typically, experience easily used to justify the exclusion of minority candidates who are otherwise and typically more qualified. When experience is an exclusive club where by minority candidates

are systematically excluded by somewhat, by something unobtainable, state and federal regulatory commissions refer to it as institutionalized discrimination. What do you call it? I moved to Montgomery County in 1972 and for the past 36 years have developed and maintained life long relationships with individuals throughout this County. With a Bachelors Degree, a Masters Degree, and all but defended for an Ed Doctors Degree, all from Virginia Tech, I consider myself properly and adequately educated. I massed 28 years experience in public education as a teacher and administrator, coupled with an equal number of years of volunteer work within my church, the Sheriff's Department, the Christiansburg Police Department, and the Clerk's system and believe I have proficiently demonstrated my commitment to this community and its future growth. Key persons within Montgomery County often ask why we can't get local qualified minority applicants for leadership positions. My response is, why should we? The door is not only shut, it's locked.

I have maintained regular and routine contact with Mr. Goodman and I must say he has been friendly and most gracious, almost to a flaw. However, as a member of the minority community, I believe I've been deceived, mislead, and ultimately invalidated. The length and breadth of this process in my opinion is unacceptable. Viable candidates should never have to wait four months for feed back for a final decision and if this position is in fact of vital importance it should have never been vacated for a year. Very quickly, I'm asking this Board to conduct a full and unbiased investigation with regard to the hiring process for the Public Information Officer position and I'm asking for a full disclosure of your findings in a timely manner.

Thank you.

Wendell Jones informed the Board he was elected Chair for the Montgomery County School Board. He is looking forward to working with the Board of Supervisors in the upcoming year. He thanked the Board for all their support over the years to the school system in working with them on budget issues and providing property/land for news schools. His goal is to build a better relationship between the Board of Supervisors and School Board. Mr. Jones urged the Board members to call him anytime with concerns and issues they may have.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated January 14, 2008 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
Mary W. Biggs	
William H. Brown	
Doug Marrs	
James D. Politis	
Annette S. Perkins	

R-FY-08-91 SIX-YEAR SECONDARY ROAD IMPROVEMENT PLAN SCHEDULE JOINT PUBLIC HEARING WITH DEPARTMENT OF TRANSPORTATION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby schedules a joint public hearing with the Virginia Department of Transportation (VDOT) on Monday, February 11, 2008 at 7:15 p.m., or as soon after, in the Board Chambers, Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia to hear citizens' comments on the proposed **Six Year Secondary Road Improvement Plan** for Montgomery County for Fiscal Years 2008/09 through 2013/14 and on the establishment of priorities for the 2008-2009 budget years. Rural Addition requests will also be received at this public hearing.

BE IT FURTHER RESOLVED, That the Virginia Department of Transportation will assure proper advertising of said public hearing.

A-FY-08-69
SHERIFF
RECOVERED COSTS

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

320	Sheriff – County	\$39,495
321	Sheriff – Grants	<u>\$ 250</u>
	Total	\$39,745

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$39,495
424401	Project Lifesaver	<u>250</u>
	Total	\$39,745

Said resolution appropriates recovered costs and Project Lifesaver funds for use by the Sheriff's department.

A-FY-08-70
COMMONWEALTH'S ATTORNEY

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

220	Commonwealth's Attorney	\$392
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419104	Confiscations	\$392

Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

A-FY-08-71
CLERK OF CIRCUIT COURT
TECHNOLOGY TRUST FUND

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

250	Clerk of Circuit Court	\$643
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
02250-423100	Shared Expenses	\$643

Said resolution appropriates Technology Trust fund monies to cover the cost of maintenance supplies for the Clerk's office land records system.

R-FY-08-92
APPOINTMENTS
PUBLIC SERVICE AUTHORITY

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that **William H. Brown** is hereby appointed to the Public Service Authority effective January 15, 2008 and expiring December 31, 2011.

BE IT FURTHER RESOLVED, That **Mary W. Biggs, Douglas W. Marrs** and **John A. Muffo** are hereby reappointed to the Public Service Authority effective January 15, 2008 and expiring December 31, 2011.

R-FY-08-93
APPOINTMENT
ECONOMIC DEVELOPMENT COMMISSION (EDC)
TOWN OF CHRISTIANSBURG REPRESENTATIVE

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **John T. Overton** as a Town of Christiansburg representative to the Montgomery Regional Economic Development Commission effective January 1, 2008 and expiring December 31, 2010.

R-FY-08-94
DIRECTOR OF EMERGENCY SERVICES
REAPPOINT COUNTY ADMINISTRATOR
AS DIRECTOR OF EMERGENCY SERVICES

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **B. Clayton Goodman, III** as Director of Emergency Services effective January 1, 2008 and expiring December 31, 2008.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority

OLD BUSINESS

R-FY-08-95
GYPSY MOTH SUPPRESSION PROGRAM-
PESTICIDE AND BUFFER ZONE SIZE

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Gypsy moth has established high populations in small portions of Montgomery County and threatens to greatly increase its range and population in the County; and

WHEREAS, High population levels are known to create substantial damage to forestry and homeowner interests; and

WHEREAS, The Virginia Department of Agriculture and Consumer Services (VDACS) has offered the County an opportunity to participate in its Gypsy Moth Suppression Program; and

WHEREAS, VDACS requires participating counties to decide by January 15, 2008 which pesticide and what buffer zone will be used for the treatment blocks in that county; and

WHEREAS, The decisions on pesticide preference and buffer zone size do not imply Montgomery County is making a commitment to sign, by February 1, 2008 the Cooperative Agreement by which the County would incur an obligation to reimburse VDACS for all or a portion of the actual treatment costs.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the staff recommendations to use Btk on the four proposed treatment blocks on Brush and Gap Mountains, Dimilin on two blocks on Poor Mountain; and offer requesting landowners the option of a 150' buffer zone between their property line and the portions of treatment blocks to be sprayed is hereby approved.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Mary W. Biggs	
William H. Brown	
Doug Marrs	
James D. Politis	
John A. Muffo	
Annette S. Perkins	

R-FY-08-96
AMEND 2008-2009 BUDGET CALENDAR

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia adopted the FY 2008-2009 Budget Calendar on September 24, 2007; and

WHEREAS, There is a conflict with two previously scheduled budget work session dates.

NOW, THEREFORE BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the FY 2008-2009 Budget Calendar is hereby amended as follows:

- | | |
|---------------------|---|
| • January 21, 2008 | Budget work session cancelled |
| • January 28, 2008 | Budget work session topics include
Preliminary Revenue Projections
School Resource Officers and Annual vs
Four Year Assessment |
| • February 7, 2008 | Budget work session cancelled |
| • February 11, 2008 | Budget work session added
Presentation of School Board Budget
(Regular Meeting) |
| • February 18, 2008 | Budget Work Session Topics to include CIP
Presentation and Outside Agency Requests |

Said resolution amends the 2009 Budget Calendar.

The vote on the foregoing resolution was as follows:

AYE

Mary W. Biggs
William H. Brown
Doug Marrs
James D. Politis
John A. Muffo
Gary D. Creed
Annette S. Perkins

NAY

None

NEW BUSINESS

**R-FY-08-97
BOARD OF SUPERVISORS
APPOINTMENTS TO BOARDS,
COMMISSIONS AND COMMITTEES
FOR 2008**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following Supervisors are appointed as representative to the indicated boards, commissions and committees, effective January 1, 2008 and expiring December 31, 2008:

<u>Board/Commission</u>	<u>Supervisor</u>
AFD Advisory Board	<u>James D. Politis</u>
Chamber of Commerce Liaison	<u>Annette S. Perkins</u> (Chair) <u>Doug Marrs</u> (Vice-Chair)
County/School Liaison Committee	<u>B. Clayton Goodman, III</u> (County Administrator) <u>Annette S. Perkins</u> (Chair)
Economic Development Alliance (NRV)	<u>B. Clayton Goodman, III</u> (County Administrator) <u>Annette S. Perkins</u> (Chair)
Economic Development Commission (Montgomery Regional	<u>Annette S. Perkins</u> <u>William H. Brown</u> (Alternate)
Fairview District Home Board	<u>Doug Marrs</u>
Fairview Home, Inc. Board of Directors	<u>B. Clayton Goodman, III</u> (County Administrator)
Finance Board	<u>Annette S. Perkins</u> (Chair) <u>B. Clayton Goodman, III</u> (County Administrator)
Legislative Liaison	<u>Mary W. Biggs</u>
Library Board Liaison	<u>Mary W. Biggs</u>
Metropolitan Planning Organization (MPO)	<u>Doug Marrs</u> (Board Member) <u>John A. Muffo</u> (Alternate) <u>B. Clayton Goodman, III</u> (County Administrator)
Montgomery County Improvement Council (MCIC)	<u>John A. Muffo</u>
Parks & Recreation Commission Liaison	<u>William H. Brown</u>

Planning Commission Liaison	<u>John A. Muffo</u> <u>Mary W. Biggs</u> (Alternate)
Real Estate Committee (2)	<u>James D. Politis</u> <u>Gary D. Creed</u>
Resource Conservation & Development District (RC&D)	<u>James D. Politis</u>
Roads Committee (2)	<u>James D. Politis</u> <u>Doug Marrs</u>
Road Viewers Board	<u>All Board Members</u>
School Board Liaison	<u>Mary W. Biggs</u> <u>Annette S. Perkins</u> (Alternate)
Transportation Safety Commission	<u>Gary D. Creed</u>
Tourism Development Council	<u>James D. Politis</u> <u>Mitchell Haugh</u> (Parks & Recreation Director)
Utilities Committee	<u>B. Clayton Goodman, III</u> (County Administrator) <u>Annette S. Perkins</u> (Chair)
Workforce Investment Act	<u>William H. Brown</u>
Virginia Tech Liaison	<u>B. Clayton Goodman, III</u> (County Administrator)

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/ authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Doug Marrs	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Mary W. Biggs	
Annette S. Perkins	

R-FY-08-98
FIRE AND RESCUE COMMISSION
APPOINTMENTS

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints/reappoints the following individuals to the Fire and Rescue Commission effective January 15, 2008 and expiring January 14, 2011:

Blacksburg Fire Department	Chief Keith Bolte or his designee
Blacksburg Rescue Squad	Captain Sid Bingley or his designee
Christiansburg Fire Department	Chief Jimmy Epperly or his designee
Christiansburg Rescue Squad	Captain Kelly Walters or his designee
Elliston Fire Department	Chief Malvin “Pug” Wells or his designee
Long Shop/McCoy Fire Department	Chief Gary Akers or his designee
Long Shop/McCoy Rescue Squad	Captain Steve Shelor or his designee
Riner Fire Department	Chief Mike Moles or his designee
Shawsville Rescue Squad	Captain Ray Chandler or his designee
Town of Christiansburg	Vacant
Board of Supervisors	William H. Brown
Board of Supervisors	James D. Politis (Alternate)
County Administrator	B. Clayton Goodman, III or his designee

BE IT FURTHER RESOLVED, That appointment of members of the volunteer Fire Department or Rescue Squad are contingent upon active membership of the volunteer Fire Department or Rescue Squad; and

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority; and

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office, shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
James D. Politis	
John A. Muffo	
Gary D. Creed	
Mary W. Biggs	
William H. Brown	
Annette S. Perkins	

R-FY-08-99
A RESOLUTION REFERRING TO
THE AGRICULTURAL AND FORESTAL DISTRICT (AFD)
ADVISORY COMMITTEE AND PLANNING COMMISSION FOR THEIR
RECOMMENDATION ON THE COUNTY’S REQUEST
TO WITHDRAW TWENTY (20) ACRES
(PART OF TAX MAP PARCEL 72(1)56)
TO BE USED FOR A NEW ELEMENTARY SCHOOL
FROM AFD DISTRICT 9 AND
TO SCHEDULE A PUBLIC HEARING ON THE SAID REQUEST

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia has purchased twenty acres of the Fotheringay, LLC property (part of Tax Map Parcel 72(1)56) (“the Property”) adjacent to U.S. Route 11/460 in the Elliston Community of Montgomery County, Virginia for the purpose of constructing a new elementary school on the property; and

WHEREAS, On behalf of the Board of Supervisors, County staff has applied to the County Planning Department to have the Property withdrawn from AFD District 9.

WHEREAS, Pursuant to the requirements of Section 15.2-4314 of the Code of Virginia, 1950, as amended, the Board of Supervisors is required to refer any request to withdraw land from an AFD to the Planning Commission and AFD Advisory Committee for their recommendation and to hold a public hearing on the request.

NOW, THEREFORE, BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby refers the County of Montgomery's request to withdraw twenty (20) acres from AFD District 9 to the AFD Advisory Committee and the Planning Commission for their recommendation.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby schedules a Public Hearing on the County's request to withdraw the Property from AFD District 9 for Monday, February 25, 2008, at 7:15 p.m. or as soon thereafter in the Board of Supervisors Meeting Room, at the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia, to hear citizen comments.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Mary W. Biggs	
William H. Brown	
Doug Marrs	
Gary D. Creed	
Annette S. Perkins	

Tax Exemption and Deferrals for the Elderly and Handicapped

The Assistant County Administrator provided information on the request to schedule a public hearing on the proposed amendment to the Tax Exemption and Deferrals for the Elderly and Handicapped ordinance. In, 1971, State law was adopted to allow localities to pass an ordinance providing property tax relief. Montgomery County adopted the original ordinance in 1972. Staff is proposing to increase the income limits allowed for relief from \$28,000 to \$30,000. In 2007, the lowest income for an application was \$2,300 and the highest income was \$27,942. For Calendar Year 2007, the Tax Relief Program cost \$247,047.

Staff in conjunction with the Commissioner of Revenue recommends an increase in the income limits up to \$30,000 and no increase in the asset limits until the next reassessment. This increase is provided to accommodate the 2.3 Social Security Cost of Living Adjustment (COLA) and to expand the income limits 5% to provide additional relief. This increase would allow some citizens who are currently receiving relief from losing this benefit.

If the recommended increase is adopted, Montgomery County would provide relief on an average state wide. The lowest is \$7,500, median is \$30,000, and highest is \$77,407 across the state.

R-FY-08-100 SCHEDULE PUBLIC HEARING AMENDING CHAPTER 2, SECTION 2-107 TAX EXEMPTION AND DEFERRALS FOR THE ELDERLY AND HANDICAPPED

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby schedules a public hearing on Monday, February 25, 2008 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia in order to hear citizens comments on the following:

Proposed Ordinance to Amend Chapter 2, Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped.

An Ordinance Amending Chapter 2, Division 5 Entitled Tax Exemptions and Deferrals for Elderly and Handicapped, Section 2-107 of the Code of the County of Montgomery, Virginia by Increasing the Income Eligibility Limits for Exemption from or Deferral of Taxation of Real Estate for the Elderly and Disabled.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Mary W. Biggs	
William H. Brown	
Doug Marrs	
Gary D. Creed	
James D. Politis	
Annette S. Perkins	

A-FY-08-72
TRANSFER TO COUNTY CAPITAL PROJECTS
FIRE AND RESCUE

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

451209 Transfer to County Capital Projects	\$500,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451205 Undesignated Fund Balance	\$500,000

BE IT FURTHER RESOLVED, That the County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

330 Fire and Rescue	\$500,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451100 Transfer from General Fund	\$500,000

Said resolution appropriates funds from the General Fund to the County Capital Projects fund for fire and rescue equipment, as determined by the Fire and Rescue Commission.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
William H. Brown	
Doug Marrs	
Gary D. Creed	
James D. Politis	
John A. Muffo	
Annette S. Perkins	

R-FY-08-101
REQUEST TO NAME
THE NEW ELLISTON FIRE STATION

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the name **Eastern Montgomery County Public Safety Building – Elliston Volunteer Fire Department** for the new Elliston fire station.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Doug Marrs	
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Gary D. Creed	
Annette S. Perkins	

COUNTY ATTORNEY’S REPORT

The County Attorney reported on January 8, 2008 the County closed on the land purchased for a new elementary school in Elliston. The School Board is in the process of working on the school design.

COUNTY ADMINISTRATOR’S REPORT

Solar Energy Tax Incentive Program

As requested by the Board of Supervisors the County Administrator reported by that staff reviewed the request for implementation of a solar energy tax incentive program. The Code of Virginia allows localities by ordinance to exempt or partially exempt energy equipment from local taxation.

Research found that only six localities in Virginia offer such a program as follows:

Fairfax County	City of Charlottesville
Prince William County	City of Falls Church
City of Alexandria	City of Roanoke.

Fairfax County adopted the program in 1978 and repealed it in 1999 because it was not used. The City of Roanoke adopted their ordinance in 2005 and to date no applications has been filed.

The cost of such a program is not known at this time due to insufficient information and it is recommended to defer implementation of such a program given the lack of participation in similar programs in other localities.

R-FY-08-102
SOLAR ENERGY TAX
INCENTIVE PROGRAM
DEFERRED

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby accepts the County Administrator’s recommendation to defer the implementation of a Solar Energy Tax Incentive Program given the lack of participation in similar programs in other localities.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Annette S. Perkins	

Town of Blacksburg Fire Station Funding Request

The County Administrator updated the Board on the request by the Town of Blacksburg for additional funds to assist in the construction of the new South End Blacksburg Volunteer Fire Department.

As stated at the December 17, 2007 meeting, The Town of Blacksburg is seeking an additional \$300,000 for the completion of phase 1 construction of the new South End Blacksburg Volunteer Fire Department. Montgomery County has appropriated \$250,000 for the construction and design costs for this project. The Town is also requesting additional funding in the amount of \$265,517 in the future for the construction of the additional shell building. The total amount the Town is seeking from the County is approximately \$816,000.

The total cost estimate for the South End Fire Station is as follows:

Blacksburg	\$ 900,000	62%
County	\$ 550,000	38%
Total	\$1,450,000	100%

Additional Shell Building:

Blacksburg	\$434,483	62%
County	\$265,517	38%
Total	\$700,000	100%

This request was referred to the Fire and Rescue Commission for their comment at their December 20, 2007 meeting. At this meeting, the Fire & Rescue Commission voted to seek County support of the Town of Blacksburg's request for additional funding.

The County Administrator recommended a two phase approach to this request. First, recommend that the Town's request be deferred and added to the County's CIP submittal and review process. Second, recommend that the two Towns and County should establish a methodology by which to address this and future fire and rescue capital and operating expenditure requests.

R-FY-08-103 TOWN OF BLACKSBURG'S REQUEST FOR ADDITIONAL FUNDING FOR THE NEW SOUTH END BLACKSBURG FIRE STATION

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby accepts the County Administrator's recommendation to defer the Town of Blacksburg's request for additional funding to assist in the construction of the new South End Blacksburg Volunteer Fire Station as follows:

1. Add request to the County's Capital Improvement Program (CIP) to be processed by County staff and forwarded to the Fire and Rescue Commission for consideration of funding.

2. The two Towns and County to establish a methodology by which to address this request and future Fire and Rescue capital and operating expenditure requests. Recommend that the County Administrator, Budget Manager, Emergency Services Coordinator and representatives from the two Towns meet to address possible joint funding approach to fire and rescue costs. The goal would be to establish a process by which fire and rescue costs in the two Towns could be considered eligible for County GF funding. County fire and rescue expenses would remain 100% County cost, except where joint benefit was found in the provision of the service by the County stations.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

BOARD MEMBERS' REPORT

Supervisor Creed - Mt. Pleasant Road (SR 639) – Supervisor Creed received complaints about deer carcasses being dumped on Mt. Pleasant Road where the hard surface ends. Also, there is a problem with people parking on the pull-offs on Mt. Pleasant Road and dumping their trash. Supervisor Creed stated he has asked VDOT about installing guardrails along Mt. Pleasant Road as there are 20 – 30 ft drop-offs in some areas.

Supervisor Muffo reported that Harvey Barker has been appointed the new Executive Director for the New River Valley Community Services..

Supervisor Muffo also welcomed Bill Brown, who was elected Supervisor for District E.

Supervisor Biggs attended the School Board meeting on January 8, 2008. Wendell Jones was elected Chair and Dave Dunkenberger was elected Vice-Chair. Also discussed at the meeting was the FY 08-09 School Budget and there may be an increase in state funding of \$5.87 million due to the local composite index being dropped from .37 to .34.

Planning Commission – Supervisor Biggs reported that Robert Miller was appointed Chair at the January 9, 2008 meeting. A retirement party was given for Joe Powers, who retired as Planning Director after serving 31 years.

Supervisor Marrs thanked the other Board members for their vote and their confidence in him to serve as Vice-Chair for Calendar Year 2008.

Supervisor Perkins thanked the Board members for electing her Chair to the Board of Supervisors for the upcoming year.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Board adjourned to Monday, January 28, 2008 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Gary D. Creed	
William H. Brown	
Annette S. Perkins	

The meeting adjourned at 9:15 p.m.

APPROVED: _____	ATTESTED: _____
Annette S. Perkins	B. Clayton Goodman, III
Chair, Board of Supervisors	County Administrator